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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,783	12/22/2000	Alireza Rezania	ETH1432	1671

7590 12/09/2003

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EXAMINER

WEBMAN, EDWARD J

ART UNIT	PAPER NUMBER
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1617

DATE MAILED: 12/09/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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14

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 9/25/03

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1 - 30 is/are pending in the application.
Of the above, claim(s) 14 - 30 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 - 13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 1617

Applicant's election without traverse of biodegradable polymers, unbound fibers, without coatings, not comprising a gradient, transitional or layered constructions, an unseeded device, not chemically crosslinked or used with hydrogels, not utilizing fibers having a sheath/core construction and not comprising a barrier layer in Paper No. 13 is acknowledged.

In view of applicants' stipulation that the polymers in claim 7-10, the networks in claim 11 and the configurations in claim 12 are obvious variants, the election of species over these claims are withdrawn. The election of species over organized and unorganized species is withdrawn in view of applicants' argument that all species are organized. Thus, applicants' traversals concerning these elections of species are moot.

Claims 1-13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 "faster" is vague; it is subjective. "Relative" is vague; relative to what? "organized" is vague; how organized? "useful" is vague; how is the matrix useful? "properties" is vague; which ones?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 1617


(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Dorigatti et al.

Dorigatti et al teach bioabsorbable nonwoven fabric materials (abstract). Mixtures of fibers in a ratio of 1-100% are specified, including copolymers of polylactic and polyglycolic acid (column 3 lines 1-20). 65 micron fibers are disclosed (column 19 line 34). As to the claimed porosity, such is demonstrated in Fig. 2. A rectangular shape is demonstrated (Fig.2). As to the asserted properties, they must be possessed by the anticipatory composition because it is the same as that claimed.

No claims allowed.

Any inquiry concerning this communication should be directed to E. Webman at telephone number 703-308-4432.


EDWARD J. WEBMAN
PRIMARY EXAMINER
GROUP 1500